

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARIO HERRERA,

Case No. 2:20-cv-00678-JAD-BNW

Plaintiff

ORDER

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, *et al.*,

Defendants

I. DISCUSSION

On April 9, 2020, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
 - (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and
 - (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a one-time opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **June 15, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If

1 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all
2 three required documents or pay the full \$400 filing fee on or before **June 15, 2020**, the
3 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court
4 when Plaintiff is either able to acquire all three of the documents needed to file a fully
5 complete application to proceed *in forma pauperis* or pay the full \$400 filing fee. To clarify,
6 a dismissal without prejudice means Plaintiff does not give up the right to refile the case
7 with the Court, under a new case number, when Plaintiff has all three documents needed
8 to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may
9 choose not to file an application to proceed *in forma pauperis* and instead pay the full
10 filing fee of \$400 on or before **June 15, 2020** to proceed with this case. The Court will
11 retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint
12 unless and until Plaintiff timely files a fully complete application to proceed *in forma
pauperis* with all three documents or pays the full \$400 filing fee.

14 **II. CONCLUSION**

15 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send
16 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well
17 as the document entitled information and instructions for filing an *in forma pauperis*
18 application.

19 IT IS FURTHER ORDERED that on or before **June 15, 2020**, Plaintiff will either
20 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
21 administrative fee) or file with the Court:

- 22 (1) a completed Application to Proceed in Forma Pauperis for Inmate on this
23 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
24 signatures on page 3),
25 (2) a Financial Certificate properly signed by both the inmate and a prison or jail
26 official (i.e. page 4 of this Court's approved form), and
27 (3) a copy of the inmate's prison or jail trust fund account statement for the
28 previous six-month period.

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
2 application to proceed *in forma pauperis* with all three documents or pay the full \$400
3 filing fee for a civil action on or before **June 15, 2020**, the Court will dismiss this action
4 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
5 when Plaintiff has all three documents needed to file a complete application to proceed
6 *in forma pauperis* or pays the full \$400 filing fee.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
8 (ECF No.1-1) but will not file it at this time.

9 DATED: April 16, 2020.

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12 UNITED STATES MAGISTRATE JUDGE

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